

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
TENNESSEE WESTERN DIVISION

BRENT A. ROWAN,

Plaintiff,

vs.

No. 2:14-cv-2258-JDT-cgc

MONROE GIBBS,

Defendant.

REPORT AND RECOMMENDATION

On April 8, 2014, Plaintiff Brent A. Rowan, a resident of Memphis, Tennessee, filed a pro se complaint pursuant to 28 U.S.C. § 1983. (D.E.# 1.) However, Plaintiff neglected to pay the \$400.00 civil filing fee or submit a properly completed application to proceed in forma pauperis.

In an order issued on August 6, 2014, the Court ordered the Plaintiff to file a properly completed application to proceed in forma pauperis or pay the appropriate civil filing fee within thirty (30) days of the entry of the order. (D.E. # 3) Plaintiff has not complied with that order and the time set for compliance has expired.

The August 6, 2014 Order provided, in pertinent part, that “[f]ailure to comply with this order in a timely manner will result in dismissal of this action... pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.” Id. See also, *Taman v. Chertoff, et al*, 07-cv-2247-SHM-dkv, Order of Dismissal (D.E. # 4) April 30, 2008. It is therefore RECOMMENDED that Plaintiff’s complaint be DISMISSED WITHOUT PREJUDICE, pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

Signed this 4th day of November, 2014.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE SAID OBJECTIONS OR EXCEPTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.